

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,  
Petitioner,

V.

JOHN E. WETZEL, Secretary,  
Pennsylvania Department of Corrections;  
ROBERT GILMORE, Superintendent of  
the State Correctional Institution at Greene;  
and MARK GARMAN, Superintendent of  
the State Correctional Institution at  
Rockview,  
Respondents.

No. 1:17-CV-1969

(Chief Judge Conner)

# THIS IS A CAPITAL CASE

**NOTICE OF REQUEST FOR DISMISSAL OF PETITIONER’S MOTION FOR AN ORDER  
DIRECTING THE DEPARTMENT OF CORRECTIONS TO ALLOW COUNSEL TO  
PROVIDE HIM A CONFIDENTIAL LEGAL DOCUMENT IN A MANNER THAT  
DOES NOT VIOLATE ATTORNEY/CLIENT PRIVILEGE IN LIGHT OF  
CHANGED CIRCUMSTANCES**

Counsel respectfully submits this Notice of Request for Dismissal of Petitioner's previously filed Motion for an Order Directing the DOC to Allow Counsel to Provide Him a Confidential Legal Document in a Manner that Does Not Violate Attorney/Client Privilege. In support thereof, Petitioner states the following:

1. On November 6, 2018, Petitioner filed a *Motion for an Order Directing the Department of Corrections to Allow Counsel to Provide Him a Confidential Legal Document in a Manner that Does Not Violate Attorney/Client Privilege* (Doc.

15). On November 16, 2018, the DOC filed a Motion to Stay the Proceedings (Doc. 18) on the basis of counsel's ongoing discussions. On November 20, 2018, this Court issued an order granting the stay (Doc. 21).

2. In his Motion, Petitioner proposed as one alternative method for preserving attorney/client privilege to allow counsel to provide documents to Petitioner through a legal visit that he would be able to take back to his cell to review. *See* Doc. 15, § 12.

3. After discussions, counsel for the DOC informed Petitioner's counsel that she would be able to follow that process to provide legal documents to Mr. Hicks. On December 10, 2018, Petitioner's counsel traveled to SCI-Greene and was able to provide Mr. Hicks with documents to review.

4. In light of these changed circumstances, Petitioner respectfully requests that the pending motion be dismissed.

Respectfully submitted,

s/Kelly D. Miller

KELLY D. MILLER, ESQUIRE

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Dated: December 17, 2018

**CERTIFICATE OF SERVICE**

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

**VIA FIRST CLASS MAIL AND EMAIL**

E. David Christine, Jr.  
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**VIA ECF**

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Dated: December 17, 2018